

REMARKS

Claims 1-13 are all the claims pending in the application. Claims 12 and 13 have been amended by changing, for example, "substituted phenyl group" with --the substituted phenyl group which may be substituted-- for purposes of clarity and consistency throughout the claims. The amendments are directed to form only and no new matter has been added.

Applicants respectfully submit that with the entry of the proposed amendments, the present application will be in condition for allowance. Accordingly, entry of the above amendments is respectfully requested.

As noted in our letter of May 15, 2006, the Examiner has crossed-out the references cited on the Form PTO/SB/08 A & B (modified) dated September 7, 2004 and indicated that the references were not provided. On review of PAIR, it appears that the International Bureau did not forward copies of the references to the PTO. Accordingly, Applicants submit herewith the references that should have been provided by the International Bureau along with another copy of the Form PTO/SB/08 A & B (modified) dated September 7, 2004.

The Examiner is requested to return a signed and initialed copy of the Form PTO/SB/08 A & B (modified) dated September 7, 2004 with the next communication.

I. Response to Rejection of Claims 1-10 under 35 U.S.C. § 112, second paragraph

Claims 1-2, 5-6 and 10 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

Applicants respectfully traverse the rejection.

The Examiner asserts that the term "may be substituted" for Y¹ and Y² in claim 1-10 because the specification does not disclose what the substituents are, and one of ordinary skill

in the art would not understand the scope of the invention.

Applicants respectfully disagree.

The limitations of claims 1-10 are believed to be definite because one of ordinary skill in the art would understand that "may be substituted" means that each of Y¹ and Y² is either substituted or unsubstituted (e.g., one of ordinary skill in the art would understand that Y¹ can be a substituted or unsubstituted alkyl group).

In addition, the specification discloses the substituents at pages 12-16. Specifically, on page 12, line 15, the specification states "In the formula (I) or (IA)..." and goes on to describe the various groups of formula (I) and (IA). More importantly, at page 14, lines 15-25, the specification discloses that:

A lower alkyl group which may be substituted, a lower alkenyl group which may be substituted, a lower alkynyl group which may be substituted, a cycloalkyl group which may be substituted, a cycloalkenyl group which may be substituted, lower alkoxy group which may be substituted, or an aliphatic hetero ring which may be substituted may be substituted with one or more substituents selected from: a lower alkoxy group; a lower alkoxycarbonyl group; a halogen atom; a cyano group; a nitro group; a phenyl group which may be substituted; a lower acyl group; and a lower acyloxy group.

(underlining added) and on page 15, line 1 to page 16, line 8, the specification discloses:

A phenyl group which may be substituted, a phenyloxy group which may be substituted, a naphthyl group which may be substituted, or a heteroaryl group which may be substituted may be substituted with one or more substituents selected from: a lower alkyl group which may be substituted with a halogen atom or a lower alkoxy group; a lower alkenyl group which may be substituted; a lower alkynyl group which may be substituted; a lower alkoxy group which may be substituted with a halogen atom and like; a lower alkylthio group; a lower alkanesulfinyl group; a lower alkanesulfonyl group; an R¹⁶-NHCO- group; an R¹⁶-CONH- group (wherein, R¹⁶ represents a hydrogen atom or a lower alkyl group); an R¹⁷-O-NHCO- group (wherein, R¹⁷ represents a lower alkyl group); an R¹⁸-CO- group (wherein, R¹⁸ represents a hydrocarbon group (for example, a lower alkyl group and a phenyl group) which may be substituted with a halogen atom and like); a lower alkoxycarbonyl group; a carboxyl group; a cycloalkyl group which may be substituted; an amino group; a lower alkylamino group; a lower dialkylamino group; an R¹⁹O-N=C(R²⁰)- group (wherein, R¹⁹ represents a hydrogen atom or a lower alkyl group, and R²⁰ represents a hydrogen atom, a lower alkyl group, or an amino group); an aliphatic heterocyclo ring group; a lower alkylcarbonylhydrazino group; a lower

alkyloxycarbonylhydrazino group; a formyl group; an $\text{H}_2\text{NN}=\text{C}(\text{R}^{21})$ - group; an $\text{R}^{22}(\text{O})\text{CHNN}=\text{C}(\text{R}^{21})$ - group (wherein, R^{21} and R^{22} each represent a hydrogen atom or a lower alkyl group); a hydroxyl group; a phenyl group which may be substituted; a phenyloxy group which may be substituted; a naphthyl group which may be substituted; a heteroaryl group which may be substituted; a halogen atom; a cyano group; and a nitro group. Further, adjacent substituents together may form a cyclic alkyl group which may be substituted or a cyclic ether group which may be substituted.

(underlining added). Therefore, the specification does disclose the substituents of Y^1 and Y^2 .

In view of the above, it is respectfully submitted that one of skilled in the art would be apprised of the scope of the invention, and that the claims comply with §112, second paragraph.

Accordingly, withdrawal of the rejection is respectfully requested.

II. Response to Rejection of Claims 12 and 13 under 35 U.S.C. § 112, first paragraph

Claims 11 and 12 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement.

Applicants respectfully traverse the rejection.

The Examiner asserts that claims 12 and 13 contain subject matter that was not described in such a way as to reasonably convey to one in the relevant art that the inventors had possession of the claimed invention at the time the application was filed. Specifically, the Examiner considers new matter to have been introduced in claims 12 and 13.

Applicants respectfully disagree.

As discussed above, the specification provides support for claims 12 and 13 on pages 14-16. In this regard, it is noted that claims 12 and 13 recite "a substituent of a substituted phenyl group, the substituted phenyloxy group...". Therefore, for purposes of further clarity and for consistency, the claims 12 and 13 have been amended to use the phrase "which may be

Amendment under 37 C.F.R. § 1.116
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substituted" throughout the claim.

In view of the above, it is respectfully submitted that claims 12 and 13 contain subject matter that was described in such a way as to reasonably convey to one in the relevant art that the inventors had possession of the claimed invention at the time the application was filed.

Accordingly, withdrawal of the rejection is respectfully requested.

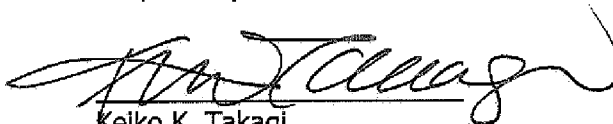
III. Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-13 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 26, 2007 (timely filed, February 24, 2007 being a Saturday)